

COBBETT'S WEEKLY POLITICAL REGISTER.

Vol. XIV. No. 5.]

LONDON, SATURDAY, JULY 30, 1808.

[PRICE 10D.]

" By the law of England, there is no impunity to any person, publishing any thing that is injurious to the feelings and happiness of an individual. No man has a right to render the person or abilities of another ridiculous. It has been observed, that it is the right of the British subject to exhibit the folly or imbecility of the members of the government; but, gentlemen, we must confine ourselves within limits. If, in so doing, individual feelings are violated, there the line of interdiction begins, and the offence becomes the subject of *penal visitation*." — Report of Lord Ellenborough's charge to the jury, upon the Trial of Mr. Cobbett for a libel, in May 1804. See Political Register, p. 854, and the following ones.

161]

[162

SUMMARY OF POLITICS.

LIBEL LAW.—After the trial, mentioned in my motto, took place, there were, as the public will remember, several papers, published in the Morning Chronicle, shewing the dangerous tendency of the doctrine laid down by the lord chief justice. A great orator and statesman observed to me, at the time, that neither I nor any other writer could now, with impunity, mention the name of any man, unaccompanied with praise; "for," said he, "to name him without praise may injure his individual feelings; to injure his individual feelings is to pass the line of interdiction, and to expose yourself to *penal visitation*; therefore, you are reduced to this simple alternative: name no one, point out no one, hint at no one; or, bestow upon him positive and serious praise." That this was the case is evident; for, how is it possible to ridicule the folly or imbecility of any man, without violating his feelings? and, if this be a necessary consequence with individuals in general, must it not be so with those persons, who are members of the government, and who have the eyes of the whole nation fixed upon them, while they have, at the same time, rivals for power, who are anxiously watching for every opportunity of exposing and exaggerating their follies and imbecility, in order to oust them, and to get their power and their emoluments? Upon the effects which doctrine like this, must have upon the interests of a nation, I will speak by-and-by, after having introduced a recent Trial, which will be found, I believe, to have originated in this very doctrine.—It was observed, at the time, that the *Reviewers* were in a very perilous way; for, that, if "no man had a right to render the person, or abilities, of another ridiculous," it was clear that the reviewers of books ought to have a bit of their ears taken off once a month, at least, and that, in general, they would be exposed to a double or a triple cropping. What a glorious doctrine for dull and senseless authors! And, what abomi-

nable, what atrocious unchanged libellers, were the Popes and the Gays and the Swifts! What a misfortune for the poetasters and sycophants of their day, that they did not live in ours! This is the light, in which a person, named SIR JOHN CARR, appears to have viewed the doctrine. He is, it seems, the author of a work called, "*The Stranger in Ireland*," which, as is stated in the report of the trial, was published some time ago, by SIR RICHARD PHILLIPS, one of the present Sheriffs of London. He has another work in manuscript, entitled "*A Tour through Scotland*," which work also had been carried to the same shop; but, Sir Richard declined purchasing the Tour, because he thought its sale would have been prevented by the effect of a work, published by Messrs. HOOD AND SHARPE, booksellers in the Poultry, in which work the abilities of Sir John Carr were ridiculed and exposed to contempt. Well, then, said this knight of the quill, finding myself injured, not only in my feelings, but in my interests too, by this critical work, in which my folly and imbecility are exposed, I will e'en apply to the law; these men are libellers i'faith, and I will have ample damages from them. On the 25th of this month the trial came on, and the following is the fullest report that I can find of it in the news-papers.—
—"Mr. GARROW stated this was an action for damages. The plaintiff (sir John Carr) was a gentleman who had been originally intended for a barrister, but on account of ill health was advised by his physicians to travel. He did, and thought proper to make his travels useful, by taking notes of whatever he saw remarkable, and afterwards publishing them for the amusement of the public; and he also derived a considerable emolument from the sale of those publications. The defendants are booksellers, who had published a book called "*My Pocket Book*, or Notes for a ryghte merrie and conceyted Tour through Ireland by a Knight Errant,"

F

“ for the purpose of ridiculing the works of
 “ the plaintiff. They were not satisfied
 “ with attacking one of the books that he
 “ had written, but the whole, viz. *Stran-*
 “ *ger in France, Northern Summer, Tour*
 “ *round the Baltic, Stranger in Ireland,*
 “ *and Tour through Holland.* Another
 “ work, written by sir John Carr, viz. *A*
 “ *Tour through Scotland,* never had been
 “ published, in consequence, as he would
 “ prove, of the book published by the de-
 “ fendants. In the front of that book,
 “ which they entitled “*My Pocket Book,*” is
 “ a frontispiece representing the departure
 “ of the plaintiff from Ireland; and in page
 “ 29, preface, an explanation of that fron-
 “ tispiece, which commences with “ You
 “ shall see what you shall see, the knight
 “ errant’s regret at leaving Ireland,” a gro-
 “ tesque figure, with a handkerchief to his
 “ eyes, a number of ridiculous figures fol-
 “ lowing him, setting up the Irish howl; a
 “ huge porter, carrying his MS. travels,
 “ which are so heavy, that the weight of
 “ them obliges him to bend under them; in
 “ one hand he carries the Wardrobe of the
 “ knight errant, encompassed in a small
 “ pocket handkerchief, &c. The publication
 “ itself commences by observing, that the
 “ writings of the plaintiff consisted of nothing
 “ worth paying for, except the fine binding,
 “ the fine paper, and the goodness of the
 “ print; and there was nothing to recom-
 “ mend them except the wideness of the mar-
 “ gins. The defendants had not been satisfied
 “ with publishing one edition of this book,
 “ but they had published three, and had
 “ advertised and circulated it most indus-
 “ triously. This morning there was one
 “ purchased at the defendant’s shop, enti-
 “ tled “ a third edition.” If this was not
 “ the case, it was for the defendant to
 “ prove it; for he understood it was often
 “ advertised to be the tenth edition of a book
 “ when there were not fifteen copies of the
 “ first disposed of. He would prove that
 “ the publication complained of had injured
 “ the plaintiff as an author; that he would
 “ have got £600 for the *Tour in Scotland*, if
 “ it had not been for this book. There was
 “ no man that would wish to give the re-
 “ viewers a greater scope than he would;
 “ but he could not justify them in making
 “ a mischievous attack on an author; they
 “ might as well attack his person; for
 “ when they scurrilously attacked his works,
 “ it was injuring him in the most essential
 “ point. He did not doubt but there might
 “ be some foolish passages in it, but, when
 “ the reviewer criticises, he ought to pick
 “ out those passages, and not condemn the

“ whole for perhaps one mistake or impro-
 “ per expression. His learned friend, as
 “ well as himself, had often, unfortunately,
 “ during their professional life, said foolish
 “ things, and he should be sorry if they
 “ were to be silenced ever afterwards, and
 “ deprived of the benefits of their profes-
 “ sion, for a foolish expression. He would
 “ prove that the defendants had gone the
 “ length, in private conversation, to say,
 “ that they would exterminate the plaintiff
 “ as an author. If he proved this case, he
 “ had not a doubt but the jury would give a
 “ verdict for the plaintiff, and damages; not
 “ only to the amount of the loss sustained,
 “ but to deter others from sending forth
 “ such scandalous and scurrilous publica-
 “ tions. He then proceeded to examine
 “ his witnesses.—Mr. HUNT proved that he
 “ purchased at the shop of the defendants,
 “ on the 14th March, 1808, a book entitled
 “ “*My Pocket Book,*” which he produced,
 “ and another on this morning, which was
 “ stated to be a third edition. He had in-
 “ quired from the person who sold him the
 “ books, who was the author; but he would
 “ not inform him. He also purchased a
 “ *Monthly Review*, called “*The Mirror,*” for
 “ April and June last, which had the adver-
 “ tisement of “*My Pocket Book*” inserted in
 “ them.—Lord ELLENBOROUGH here ob-
 “ served, that if a man published a foolish
 “ thing, every person had a right to say so.
 “ The liberty of the press would be com-
 “ pletely done away, if it was not the
 “ case.—Mr. JOHNSON, bookseller, St.
 “ Paul’s church-yard, deposed, that he pur-
 “ chased the manuscript of *The Stranger in*
 “ *France* from the plaintiff for £100.—
 “ Sir RICHARD PHILLIPS deposed, that he
 “ purchased from the plaintiff his *Northern*
 “ *Summer Tour round the Baltic* for £500;
 “ *The Stranger in Ireland* he gave him
 “ £700. for; and for his *Tour through Hol-*
 “ *land,* 600l. He had seen the manuscript
 “ of the *Tour through Scotland*, and would
 “ have given 600l if it had not been for “*My*
 “ *Pocket Book,*” which he heard had depre-
 “ ciated the works of the plaintiff so much,
 “ that it deterred him. The witness met
 “ the defendant, Hood, one day, who
 “ asked him, had he read his “*Pocket Book*”
 “ witness told him he had not, for he never
 “ read such scurrility. Hood replied, “ Lord
 “ help poor Sir John, we have got a rod in
 “ pickle for him, we will do for him.”—On
 “ his cross examination by the Attorney-
 “ General, witness said he never read books
 “ of a scurrilous nature; he considered all
 “ anonymous publications as libellous and
 “ scurrilous. He printed as many books as

any man in London, but never published any without the name of the author. Although he might have read one or two numbers of "The Edinburgh Review," when it was first published, he did not recollect having read any other. When he was first in the trade, he used to attach to his advertisements the criticisms of Reviewers on books which he published, but for the last six years he had ceased to do so. As they crept into vice, he crept into virtue. He left it off, as he thought it was only encouraging scurrility. He had printed and published "Anecdotes of the Founders of the French Revolution." It was an anonymous publication, that is, it was a detail of facts, without any author's name. There was nothing libellous, nothing scurrilous, in it; he never published a libel in his life; if he had, he would be ashamed to come into that court to give evidence. He did not know that every thing it contained was fact, but it was given by the author as a plain narrative of facts. He had published "The Oxford Review;" that was also an anonymous publication, but he did it that there might be one honest review. —Lord Ellenborough here interrupted the witness, and said, that the questions put to him did not tend to make him commit himself. If they had, he would have protected him; but the voluntary evidence, or, rather, that wish to shew the pureness of his morals, had committed him; for if he, the jury, and the public, were to believe him, all other reviews were dishonest, except his own. He was laying ground for the same charge to be preferred against him that was alledged against the present defendant.—Sir Richard Phillips then proceeded and said, he was actuated by the wish that there should be one honest review, when he consented to be the publisher of "the Oxford Review." He was obliged to his lordship for his kind interference; for although imposed on by the usage of the trade, when he first commenced business, for six years it had been his study to check the scurrility of the press. He could not say that his sentiments were very refined as to honesty, but he trusted he had a little common honesty in this respect, and he hoped, while he lived, it might remain with him. He never read anonymous publications, whether Reviews or not; for he considered them all scurrilous; but if he published any thing anonymous, it was as clear from scurrilous matter as chrystal water. He discontinued publishing "The Oxford

Review," as he found it did not answer; as nothing but scurrility met with encouragement from the public.—Mr. LEIGH, of the house of Mathews and Leigh, deposed, that Sir John Carr had offered to him the "Tour in Scotland" for sale, which he would have bought, and given him 400*l.* for, if it had not been for the unfavourable impression "My Pocket Book" had made on him.—Lord MOUNTNORRIS deposed, that he had read "The Stranger in Ireland," and "My Pocket-Book," chapter by chapter, and he had no doubt in his mind but that "My Pocket-Book" was written to ridicule "The Stranger in Ireland." The plaintiff had been recommended to him as a gentleman, and he was pleased to have found that he had spoken so handsomely of his native country, Ireland; and would have purchased a copy of the book, if it had not been so much depreciated by the publication of "My Pocket-Book." The noble lord was cross-examined by the Attorney-General, who observed, that he was happy to have the honour of addressing a nobleman of letters, instead of the knight who lived by letters, and knew nothing more of them than the livelihood which they afforded him. His lordship said, that he had read the books over with great attention, and thought "My Pocket-Book" was a fair and just criticism on the other.—Lord VALENTIA corroborated the evidence of his noble father.—The ATTORNEY-GENERAL, counsel for the defendant, stated, that he never found himself more perfectly happy than in addressing the jury in defence of his clients. His mind was perfectly at ease as to the verdict they would give. His learned friend, in the opening, had charged him, by anticipation, with what was charged against his client. But he would assure him he was mistaken; for whatever foolish expressions he had made use of, he would not criticise or comment on them. In the first place, they had the evidence of Sir Richard Phillips. The knight had either given false evidence, or he was the greatest fool that ever walked over earth. [Lord Ellenborough observed that he thought "the weakest man" would be more appropriate.] The Attorney-General then continued. He had said "the greatest fool," but his lordship thought "the weakest man" was the more proper; then let it be "the weakest man;" if sir Richard Phillips had been living when Erasmus was writing, he would have given any money for him.

" The book published by the defendants
 " had done nothing more than it ought to
 " have done, and what an honest criticism
 " ought to do. This had been proved by
 " the earl of Mountnorris, who was going
 " to purchase " *The Stranger in Ireland,*"
 " until " *My Pocket Book*" had shewn him
 " its real merit, when he very properly de-
 " clined to purchase it; and had not his
 " lordship given it in evidence, that he
 " thought it, after comparing them both
 " together, a fair criticism? The plaintiff
 " went to Ireland; he was knighted there;
 " and this he thought was sufficient to make
 " him commence author. His name was to
 " sell the book, and he dressed it out in
 " red morocco, with a wide margin, supe-
 " rior print and paper, and this was thought
 " by the plaintiff sufficient to insure a sale!
 " And what had " *My poor Pocket Book*"
 " done? Nothing more than what itself
 " would have done—shewn its true merits.
 " It was like a coal porter in a fashionable
 " suit of clothes; his outside was genteel,
 " but the moment he opened his mouth to
 " speak, you discovered the cheat. So
 " with " *The Stranger in Ireland*"—the
 " moment you opened it, your expectations
 " were disappointed. There never was an
 " author of merit whose works were not
 " attacked, but the merit of the work si-
 " lenced the attacker. Socrates was a great
 " author, and he was reviewed by Aristotle,
 " who was also a great writer; yet it did
 " not affect the merits of the works of
 " Socrates. In the present case, if it was
 " a work of merit, " *My Pocket Book*"
 " would not have injured it. He was sorry
 " to have taken up so much of the time of
 " the court and jury; still he wished to
 " speak to them on the subject; for the
 " action appeared more grotesque than the
 " frontispiece complained of. What could
 " be more ridiculous? A book is publish-
 " ed, open to the inspection of every person,
 " containing the most nonsensical ideas that
 " could enter the brain of man; another
 " person criticises it: he turns it into ridi-
 " cule; and prevents a portion of the pub-
 " lic from throwing away their money upon
 " nonsense. In doing this, the critic had
 " done public service, and he trusted the
 " jury would feel it as such, and
 " give a verdict for the defendants.—
 " Lord ELLENBOROUGH said, that every
 " man who wrote committed himself to
 " the judgment of the public, and every one
 " might comment upon his work. If the
 " commentator did not step aside from the
 " work, or introduce fiction for the purpose
 " of condemnation, he exercised only a

" fair legitimate right. In the present case,
 " the plaintiff had embodied himself in
 " his work; the principal part of his tour
 " was concerning himself, and, therefore,
 " placing him in Dublin, and the long
 " coach waiting for him, was not irrelevant
 " to the subject. Had the party writing
 " the criticism followed the plaintiff out of
 " his book into domestic life for the purpo-
 " ses of slander, that would have been li-
 " bellous; but not otherwise. *To repress*
 " *just criticism would be extremely injurious*
 " *to society.* If a work was sent into the
 " world that was likely to disseminate a
 " bad taste, or was destructive of public
 " morals, *it was of the first importance to*
 " *correct and expose it.* Society, in that
 " case, was indebted to the critic.—His lord-
 " ship then alluded to the advancement of
 " philosophy and science by the opposition
 " one great man had offered to another, and
 " repeated the observations of the Attorney
 " General on that subject. If an individu-
 " al, he said, presented the public with an
 " outline sketch of himself, *that public*
 " *had a right to finish the picture;* and if
 " the criticism was a fair one, the author
 " must take the consequences of it. His
 " lordship added, that he *did not know of*
 " *any thing more threatening to the liberty*
 " *of the press, than the species of action be-*
 " *fore the court;* and he would again repeat,
 " that if the publication complained of was
 " a fair criticism, and the author had not
 " travelled out of the work he criticised for
 " the purpose of slander, the action would
 " not lie; but if the jury could see any
 " thing personally slanderous against the
 " plaintiff, unconnected with the work he
 " had given to the public, in that case, the
 " plaintiff had his right of action, and they
 " would find accordingly.—The jury con-
 " sulted together a few minutes, and found
 " for the defendants."—This is all very
 " true, though I do not like the words *fair* and
 " *just*, as used here to qualify the term criti-
 " cism. The distinction between the man's
 " domestic affairs and his book is clear enough;
 " but, as long as I write about the book and
 " the abilities of the author and the motives,
 " or probable motives, of his writing, and
 " the disposition of mind which the book
 " displays, I cannot safely trust any one
 " to decide, whether my criticism be fair
 " or unfair, just or unjust; that is to say, if
 " the decision is to affect my person or pro-
 " perty. The critic is an author as well as the
 " writer of the book. The criticism may be
 " criticised; and, in both cases, the public
 " are the sole judges of what is fair, or un-
 " fair, of what is just, or unjust. Other-

wise, and if these qualifications are admissible, the courts of justice are to be looked to in matters of taste; they are to decide every literary dispute; and here, as well as elsewhere, we shall be unable to open our mouths without having a lawyer for our guide and assistant. I will not answer for the correctness of this report of the Chief Justice's speech. He might not mean, that a man was punishable, by law, for unfair or unjust criticism; and, I am in hopes, that the decision, upon this occasion, will make the stupid authors feel, that they cannot worry a man of talents to death merely because he has exposed their stupidity.—It does not appear, from this report, whether Sir Richard Phillips came forward voluntarily, or was forced forward, in behalf of his brother knight; but, to be sure, it was quite good to hear him say, that he never read scandalous or anonymous publications, when he was the sole or part owner of so many works of the latter description; when he was part owner of a *Review*, and the sole owner of the "Anecdotes," than which there is not, perhaps, a more false and scandalous book in the English language, that is to say, if falsehood and scandal do not lose their nature when applied to French men and French women, and when they obtain circulation because they are calculated to gratify pre-conceived malice and hatred. The work of Messrs. Hood and Sharpe not only injured Sir John Carr, but Sir Richard Phillips also; for, observe, he is the proprietor of Sir John's first work, *the very work that was criticised*, and the sale of which must, of course, be greatly injured, if not totally stopped, by a criticism, which had stifled the second work in its shell. So that Sir Richard Phillips was, in fact, a person deeply interested; and, though this circumstance would not alter the fact which he had to state, it would naturally give a tinge to any sentiment that he had to express. I am, however, utterly astonished, that any word should have dropped from him calculated to throw odium upon those who endeavour to make a free use of the press. What would it have been to him, if those bundles of trash, labelled "The Stranger in Ireland," had been sent, as they now, in all probability, will be, to the trunk-makers, or the paste-board mill? Was this vile rubbish worth the risk of his being exposed to the imputation of wishing to see a brother bookseller suffer for having published a book operating to his injury? I do not impute this wish to him. On the contrary, I sincerely believe him, who is a very kind and good as well as a very clever man, to have entertained no such wish; but,

certainly, his evidence, as stated in the newspapers, is likely to make the public infer such an imputation. The fact, I would almost lay my life, was this: between a bookseller and an author there necessarily arises, particularly if the latter be a person of some consequence, a greater or less degree of that sort of intimacy, which, as the fashion of the world goes, is denominated friendship. Sir John Carr appears to be a man not likely to lose any thing for the mere want of asking for; and, he would easily find the means of committing Sir Richard so far as to bring him into court with sentiments favourable to his cause. The moment a man is lashed, or exposed, he, according to the cant of the day, cries out *libeller*. Libeller is echoed by his friends; and, after hearing this in half a dozen places, he naturally begins to turn himself towards the law for redress, especially if he find himself incapable of defending himself with his pen. It was thus that the quack in America acted towards me: He began the publications. He issued his destructive prescriptions through the newspapers. I answered his publications; I reduced him to silence, and finally drove him and his death-doing practice out of the city. Unable to defend himself, he had recourse to the lawyers; and, with the assistance of such judges and jurors as are to be found in great abundance in his country, gave me a dose almost as injurious as he would have sent me from his own shop. Of all the acts, of which a man can be guilty, none is so mean, none is so base, none is so truly detestable, as that of seeking, through the law, vengeance for a literary defeat. If this were to be tolerated; if exposing a man's abilities to ridicule were to be deemed libelling, and to be punished as such, who, unless he had a long purse, and a body of iron, would dare to attempt the task of criticising the works of a rich man? Every wealthy fool might publish his trash in perfect security, and that, too, without being under the necessity of treating and bribing the Reviewers. No man would dare expose his folly or imbecility; for, at any rate, the tormentors of the law would be set upon the critic, who, as his least punishment, would be half-ruined in his defence. There would be nothing, however infamous as well as foolish, that a poor writer would dare to comment upon with freedom. He must write in trammels so tight as to render his efforts of little or no effect. There would, in short, be a general license for folly and wickedness, when backed by wealth; and still there would be scoundrels so impudent, as to call upon us

to deny ourselves almost the necessities of life, and to expose life itself, for the purpose of preserving, what they would still call *the liberty of the press*. The evil would go yet further; for the rich bookseller would become a persecutor as well as the wealthy fool who writes. His purse would be a shield for a dozen or two of dull doctors whom he keeps in his pay, and by the means of whose imposture-like performances he increases his fortune. Well might Lord Ellenborough say, that "he knew of no thing more threatening to the liberty of the press than this species of action."—

But, how stands the case with regard to publications touching the words, or conduct, of persons in general, and particularly members of the government? Is it not dangerous to the liberty of the press to lay it down as a maxim, that their *abilities* are not to be ridiculed; that you are to say nothing at all which hurts their *feelings*, without exposing yourself to punishment? Reports of trials are, in general, not very correct; the whole of the places where trials are held are so crowded with lawyers, to whom, indeed, they are almost exclusively appropriated, that it is extremely difficult for any reporter to obtain the accommodation necessary for the making of notes. I do not, therefore, give the words of my motto as words actually uttered by Lord Ellenborough, but merely as words published in the several news papers, as having been uttered by him, upon the occasion alluded to. As such, they must have produced a great deal of effect; and, there is no doubt in my mind, that the doctrine they contain has encouraged Sir John Carr, knight, to bring the action, the fate of which is above recorded. Let us hope, however, that this dangerous doctrine is now exploded as completely as if the Whigs had kept their words after they got their places, and made it a subject of discussion in parliament; for, I believe, it will be very difficult to produce any solid reason, why a man should have the liberty to hurt the *feelings* of an author any more than to hurt the feelings of a minister of state; why he should be allowed to ridicule the *abilities* of the former any more than the abilities of the latter; why it should be an offence worthy of *penal visitation* in the former case any more than in the latter case. I cannot discover any grounds for a distinction; and, therefore, I conclude, that if we should, by any accident, see a fool in office, we are at liberty to expose his folly, and to convince the nation, that the management of their affairs is in bad hands. Indeed, the real use of the liberty of the press is to cause the exposure of weak and wicked

public servants. It is of comparatively trifling consequence what men publish in books. Five hundred people, perhaps, never saw, or heard of, Sir John Carr's trash; and, if it could have been read by the whole nation, it is not likely that it would have done either harm or good. But, in the ability and honesty of men in office, every person in the country is deeply interested, and therefore ought to be regularly and minutely informed upon the subject. Upon matters of *taste* in books, of what consequence is it whether the people are well-informed or ill-informed? But, upon matters closely connected with the prosperity and honour of the country, it is of great importance that they should lack no information that can possibly be communicated to them. Well, then, how is this information to be given? How, if not through an unshackled press, a press restrained only from uttering *falsehood*, according to the old language and practice of the law? Suppose I had been in battle with a general, and had seen him run from the enemy, beating him in swiftness as shamefully as a March hare beats a lurcher; suppose I had seen this, or received good information of it, would it not be very necessary to make the fact known, in order to prevent such a winged-heeled fellow from again exposing the lives of the army and bringing disgrace upon the nation? Suppose I had an opportunity of knowing several men, pretending to office and power, to be totally unqualified for any business and totally unworthy of any trust; would it not be very useful to communicate my knowledge to the public? Or, suppose me to have merely an *opinion* relating to public men, how do we arrive at the best chance of forming correct notions as to things unknown, except it be by expressing our opinions to one another?—Nor, can I see what mischief could arise from carrying the same liberty into the discussions relative to the private affairs of men. Suppose, for instance, I say, that Mr. such an one is a contented cuckold; that he has received proof quite sufficient that his wife has had a child by another man; but that, in consideration of a good sum of money, paid him by the principal cuckold, he holds his tongue, and, as the old saying is, puts his horns in his pocket. This is, indeed, to suppose a strong case; but, such a case may *possibly* exist; and, if it does, should not such a man be pointed out? Ought not the mean scoundrel to be held up to the ridicule and scorn of the world? What other way is there of correcting such disgraceful and pernicious vices? Suppose me

[173]

to know a man upon the point of becoming a bankrupt, why should I not state the fact? What harm can arise from it? And if, upon any occasion, I speak what is *false*, there is the law to punish me, and to make compensation to the person whom I have slandered.—It is said, that you would, by allowing a liberty like this, set every neighbourhood together by the ears. Why should it be so? I can discover no reason for it. It is to deny the excellence of *truth*, to suppose that an unrestrained expression of the truth could be productive of injury. It is fitting that all men and women and actions should be generally known for what they are; and, it appears to me, that to express a fear at the promulgation of truth, is to foster falshood, and to offer a screen for all sorts of vices. There are many vices and crimes, too, that the law will not reach, yet they ought to be repressed, and how are they to be repressed unless men dare communicate freely their knowledge to one another? I publish that such an one is a liar. If what I assert be false, my falshood can be made appear, and I am punished in one way or another; but, if what I assert be true, is it not useful, that it should be known?—Upon this principle the law of England formerly proceeded. The indictment of a person for a libel always stated, that he had uttered what was *false*; falshood was essential as a ground work of the charge. As we have grown in refinement our ears have become more delicate, and it is now sufficient that the words are *scandalous* and *malicious*, qualities which it is not easy to define, and which are, indeed, mere matter of opinion. What one man thinks scandalous and malicious another man does not think so; but, all the world are agreed with respect to falshood and truth. These admit of *proof*; the others do not. Against a charge of falshood evidence can be brought; but, as to *scandal* and *malice* they must be left to surmise, to the *opinions* of a jury; and thus a salvo is provided for the consciences of men who would be afraid of point blank perjury. As the law now stands, you may not *speak the truth*, for fear of *doing mischief*. There is something so repugnant to reason in this, that I cannot be brought to consider it as wise. We all pretend, that to obtain truth is our great object. We all pretend to detest disguise, hypocrisy, and all the various sorts of falshood. If we have servants to hire, tradesmen to employ, acquaintances to form, our first step is to obtain a true account of them; and why, then, should the law forbid us to communicate to the public at large all the informa-

tion we possess? In order to make out a defence of the contrary doctrine, some have supposed, that, if every one were at liberty to publish all the truth that came to his knowledge, the prints would be filled with anecdotes of domestic occurrences, with which the world have nothing to do. Either such occurrences are interesting to the world, or they are not; if the former, they ought to be known, if the latter, the world would not attend to them, and the promulgation of them would soon meet its just punishment in the contempt which would fall upon the promulgator. To prevent the publication of truth is to confound, the wise with the foolish, the honest man with the rogue, the brave man with the coward, the virtuous with the vicious. Where there is no press, or no shew of freedom allowed in using it, the people expect to hear no truth through that channel; but, where the liberty of the press is a subject of boasting, they may well expect to hear the *whole* truth, and, if they hear it not, they are deceived with a shadow.—Nothing can be more worthy of punishment than the publication of wilful *falsehood*. I would, with all my heart, make this crime transportation, where it seriously affected the reputation of any man, in whatever rank of life. To the *feelings* of a person, *falsely* accused, ample vengeance is due; but, if I speak no more of a man than I can *prove* to be *true*, am I to be branded as a ruffian who has no regard for the feelings of my neighbour? Shall a fool be looked upon as having the feelings of a wise man, a peculator the feelings of a man of integrity, a reprobate the feelings of a saint? Aye, say some persons, you think, then, that it is only the innocent whose feelings are to be considered, but, you cannot wound the feelings of the innocent; *it is only the guilty that feel*. Hence Lord Mansfield's maxim, I suppose: "the greater the *truth* the greater the *libel*," according to which maxim it is a greater libel to call a highwayman a highwayman, than to give the same appellation to a person perfectly free of every crime. This is the unavoidable consequence of making it a crime to publish truth; and, in my opinion, of all the means of debasing and corrupting a people, none is more efficacious or more speedy, than that of giving them a press, through which truth has not a free circulation.

SPANISH REVOLUTION.—The intelligence from Spain seems to indicate, that, let the result be what it may, there will be an arduous contest. This I most earnestly pray for; because, without such a contest,

no good *can* arise. In his answer to the Londoners, the king says, he has *no other* object than that of supporting the "*ancient*" government of Spain. Precisely what his majesty may mean by the word *ancient*, I cannot positively say; but, I hope, he does not mean, that government who sent the Spanish army to the North of Europe; who gave up the sword of Francis I; who introduced a French army into Spain; who made Murat Lieutenant of the kingdom; and who sold the Spaniards to Buonaparte for a snug maintenance in France. It is the government, I should hope, that existed when the Cortes, or *representatives of the people*, used to be fairly assembled, and when the nation was not governed by a set of intriguing tyrants. This being the case I cordially agree with his majesty, and hope that his efforts will be crowned with success. If the people of Spain are to have a *despot*, I care not one straw *who* he is. I feel no interest in the events going on. I care not which side beats, or is beaten.—The *grandees* are going back, it seems, the lacqueys of Joseph Napoleon. This is what they ought to be. Were I in his place, I would make them black the shoes of my French servants. Nobility indeed! Here is a precious specimen of the effects of *high blood*! What an example is here! What a lesson for the nations of Europe! Talk of upstart kings and nobles; are there any of them, any of the "*ale-house-keeper's sons*", who have, in any one case, acted thus? What must that government have been, which was composed of wretched vermin like these? Is there any man who will openly say, that he wishes to see such a government restored? *Loyal*! aye, these base scoundrels were, I warrant it, the very pink of loyalty, and have, amongst them, sent many a man to the gallows upon the suspicion of being *disloyal*. I warrant it, they have been famous persecutors in this way. Their example, will, however, be useful, long after Joseph Buonaparte, if he should succeed, will have sent them all to clean the kennels of Madrid; for, when he is once safely seated upon the throne, he will have too much sense to keep such base wretches near his person. *Grandees*! They have been grandees quite long enough. The turn of somebody else is come. The soldier is abroad, as I told Sir Baalam long enough ago; and, ere he puts up the sword, he will have his share of the good things of this world.—There are, I clearly perceive, some persons, who wish to see the Spaniards beat Buonaparte, but wish not to see any change of the royal family or the government, in Spain.

Such persons may make up their minds to a disappointment; for, never will Buonaparte be beaten by men that can bear the idea of again putting on the yoke of despotism. One or the other the Spaniards must be, either the subjects of Joseph Napoleon, or their own masters, subject only to a government of their own choosing.

CORN AGAINST SUGAR.——What say the "*Barley growers*" now? Barley has not fallen, notwithstanding all the predictions of Mr. Arthur Young. Nay, it has continued to rise, while oats have risen one third in price. I wonder what will be said now? What shuffle will be resorted to? I should like to hear what can be said by those who met to petition against the sugar-bill. There is, I think, an appearance of a short crop of barley and oats. The introduction of sugar will have added about 300,000 quarters to the crop, which, though hardly worth mentioning in comparison with the amount of the produce of the country, is *something*, and the bill will, therefore, have done some little good.—The clamour, which was raised, at the time that this bill was before the House of Commons, should not soon be forgotten. The agricultural people should be frequently reminded of it. They brought forth all their interest and their very best talents upon the occasion. Let it, therefore, remain as a standard whereby to judge of the degree of reliance that is to be placed upon them. I repent, that they are embodied into a *sect*. All sectaries are bigots. There is no liberality of discussion, or of thought, amongst them; their tenets are always to be distrusted, and their assertions, as to facts, are not always to be relied on. That this widely spread and powerful sect should have been beaten by the indolent West Indians is truly astonishing, and cannot be attributed to any thing but the badness of their cause.

Botley, 28th July, 1808.

OFFICIAL PAPERS.

LONDON.—On the 20th July, 1808, the mayor, aldermen, recorder, sheriffs, and common council of the city of London, waited upon his majesty, at the queen's palace (being introduced by lord Rivers, the lord in waiting), with the following address, which was read by sir John Silvester, the recorder, as follows:—To the king's most excellent majesty. The humble, dutiful, and loyal address of the lord mayor, aldermen, and commons of the city of London, in common council assembled.—Most gracious sovereign, we, your majesty's loyal subjects, the lord mayor, aldermen, and com-

[177]

mons of the city of London, in common council assembled, with hearts full of dutiful affection to your royal person, and inseparably attached to the honour and prosperity of your government, humbly desire to approach your throne, and represent to your majesty the sentiments of a free and faithful people.—While we contemplate with horror and indignation, the atrocious perfidy and wanton violence employed by the ruler of France, to reduce under his yoke the Spanish monarchy and the Spanish people, we cannot refrain from expressing our joy and exultation at the pure and animating spirit of patriotism, displayed by that high-minded and gallant nation, in defence of their dearest rights and privileges. They have appealed to the generous feelings of your majesty for protection and support, and they have not appealed in vain. You, sire, have felt, as the sovereign of a free people, who, by extending his powerful aid to a nation, struggling for liberty and independence, holds forth to the world a happy and practical illustration of the blessings which his own subjects enjoy.—The solemn declaration by which your majesty has been pleased to recognize the Spanish nation as a natural friend and ally, against the common enemy of all established governments; the frank, disinterested, and inspiring pledge which you have given, that you have no other object than that of preserving unimpaired the integrity and independence of the Spanish monarchy; the wisdom, liberality, and promptitude of the measures consequently adopted by your majesty's government, have excited in our breasts the most lively and grateful sensations.—We have to entreat your majesty's acceptance of our most cordial thanks for the noble and liberal system of policy by which your councils have been, and continue to be actuated towards Spain; and we beg leave to assure you, that, in contributing to the success of your royal interposition in a cause, at once so great and glorious, and so peculiarly congenial to the spirit and feelings of your people, no exertion shall be withheld, no sacrifice shall be spared on our part, to prevent twelve millions of *fellow-freemen* from being accursed with the most galling and profligate despotism recorded in the history of the world.—In the measures which your majesty may think proper to adopt for accomplishing this great end, you may, sire, rely with the firmest confidence upon the affectionate, zealous, and enthusiastic support of your loyal citizens of London. We feel ourselves identified with the patriots of Spain; we sympathise in all their wants; we participate

in all their wishes; and we humbly beg leave to express our fervent hope, that the glorious struggle in which the Spanish nation is engaged, aided by the energies, resources, and magnanimity of the British empire, may succeed, not only in asserting the independence of the Spanish monarchy, but in ultimately effecting under the protection of divine providence, the emancipation of Europe, and the re-establishment of the blessings of peace.

To which address his majesty was pleased to return the following most gracious answer:—I thank you for your very loyal and dutiful address. I accept, with pleasure, your congratulations on the prospect opened to the world, by the brave and *loyal* exertions of the Spanish nation, against the tyranny and usurpation of France, and on the re-establishment of peace between Great Britain and Spain.—In aiding the efforts of the Spanish nation, I have been actuated by no other motive than that of affording the most effectual and disinterested assistance to a people, struggling for the maintenance of their ANCIENT government and national independence.—I have no doubt I shall continue to receive from you and from all classes of my people, the same zealous and affectionate support which I have experienced on so many, and on such important occasions.

They were all received very graciously, and had the honour to.....kiss his majesty's hand!

AMERICA.—*Letter from Mr. Jefferson to the Delegates of the Democratic Republicans of the City of Philadelphia, in general Committee assembled. 25th May, 1808.*

The epoch, fellow-citizens, into which our lot has fallen, has indeed been fruitful of the events, which require vigilance and embarrass deliberation. That, during such a period of difficulty, and amidst the perils surrounding us, the public measures which have been pursued should meet your approbation, is a source of great satisfaction.—It was not expected, in this age, that nations, so honourably distinguished by their advances in science and civilization, would suddenly cast away the esteem they had merited from the world, and revolting from the empire of morality, assume a character in history, which all the tears of their posterity will never wash from its pages.—But, during this delirium of the warring powers, the ocean having become a field of lawless violence, a suspension of our navigation, for a time, was equally necessary to avoid contest, or enter it with advantage. This measure will indeed produce some temporary inconve-

nience, but promises lasting good, by promoting among ourselves, the establishment of manufactures hitherto sought abroad, at the risk of collisions no longer regulated by laws of reason or morality.—It is to be lamented that any of our citizens, not thinking with the mass of the nation as to the principles of our government, or of its administration, and seeing all its proceedings with a prejudiced eye, should so misconceive and misrepresent our situation as to encourage aggression from foreign nations. Our expectation is, that their distempered views will be understood by others, as they are by ourselves. But should war be the consequence of these delusions, and the errors of our dissatisfied citizens find atonement only in the blood of their sounder brethren, we must meet it as an evil necessarily flowing from that liberty of speaking and writing which guards our other liberties; and I have entire confidence in the assurances that your ardour will be animated, in the conflicts brought on, by considerations of the necessity, honour, and justice of our cause.—I sincerely thank you, fellow-citizens, for the concern you so kindly express for my future happiness. It is a high and abundant reward for endeavours to be useful; and I supplicate the care of providence over the well being of yourselves and our beloved country.

PORTUGAL.—*Account of recent Transactions, published at Oporto, 6th July, 1808, by authority of the partizans of the Prince Regent, now calling themselves the Government.*

The most important occurrence that could elevate the nation to glory and dignity was reserved for our days, which will serve to transmit to posterity the illustrious name of the heroic Portuguese, and to note in the records of this fine and opulent city, the immortal epoch of its restoration, and that she gave the alarm to the whole kingdom.—The most cordial love to the best of princes, stimulated all hearts in Portugal, to oppose the most unjust and most scandalous usurpation. The most unlimited oppressions, the violation of all rights, and the absolute disrespect of the most sacred duties, armed every inhabitant to shake off the tyrannic yoke that oppressed them. But the dispenser of empires had reserved to this city the prerogative of leading the way, and stimulating by its example every body to emancipate this kingdom.—For this purpose he raised amongst us persons of genius, resolution, and vigour, capable of achieving so illustrious a purpose. The fatal day that depri-

ved us of our lawful sovereign, whom the hand of the Omnipotent has preserved from the wicked one, who persecuted him, opened the way to the most disastrous events, which, after having overrun the continent with misery, desolation, and death, were about to effect the complete destruction of our happy peninsula, perfidy, simulation, and a combination of all artifices being the forerunner of this oppression and tyranny—violence and the most daring ambition, its followers of that monstrous man, the produce of the cruel revolutions, which, for these nineteen years, has upset so many thrones, and ruined so many people; who has made a traffic in kingdoms and in men; who has put on the mask of religion the more impudently to profane it; who has displayed to advantage all sorts of crimes, without being impeded by the least glimpse of morality, or kept back by remorse; that celebrated Napoleon, whom vile flattery and its followers, or, with more propriety whom the fear of his tyrannies, has raised to the most elevated unmerited titles; after having announced by his representative Junot to our desolate nation, that he would protect us, dared to conceive in his illusive ideas, and to utter without a blush “that th house of Braganza had ceased to reign in Portugal.” Unthinking man! What right, what convention authorizes this iniquity and usurpation? Who constituted Napoleon the universal tutor of kings and of nations? Who devolved on him the succession of thrones wrested by his tyranny from their legitimate possessors? Who entrusted him with that extraordinary and famous protection which authorises the spoliation of private property, and the trampling under foot of all rights and privileges, that destroys and confounds all order? The most manifest hatred arose in the hearts of the nation, on its observing the accumulation of injustice and barbarity, with the most scandalous indecency; then began the vision of protection to dissolve: forty millions of crusaders were levied on this unhappy country as an extraordinary contribution of war, a country which the absence of its beloved prince, the invasion by numerous troops, the total stagnation of commerce, and the discouragement of industry and arts, had reduced to the greatest distress: but this is not all those 40,000,000 were for the redemption of all private property; how had this been forfeited? Was it by our unbounded patience in suffering their extortions? by the docility with which their hard and oppressive yoke was borne? by the meekness with which we received our tyrants? Posterity will hardly

believe their impudence and immorality could ever reach such a length. — The promised protection went on in this way. The patrimony of the temples, the ornaments of the sanctuary, the inheritance of its sacred ministers, were all insufficient for the insatiable thirst of the oppressor of the continent. The national dignity disappeared — all public employments were given to the less informed and the less worthy, who, discountenanced in their own country, shewed amongst us a matchless effrontery, and who appeared to be influenced by the most insolent pride and the most sordid avarice. Our limits prevent us from tracing the picture of the odious person styled the deputy of police in this city, it is more faithfully engraved in the indignation and remembrance of every one here. The moment of liberty was however approaching; our valourous neighbours the noble Spaniards, at length opened their eyes. The perfidious manner in which the reigning family of Spain were betrayed, roused the vengeance of that nation; and as soon as we were able, we have shewn that we still are what we have been, and what our forefathers have been before us, the most faithful and the most loyal to our prince and the most capable of restoring his wished for empire and our liberty. — At length the evening of the 18th day of June, 1808, offered the most brilliant and pleasing scene to the generous Portuguese. These faithful and valourous men, who were strangers to fear, despised all dangers, and actuated by that energy and faithful character that distinguish our nation, erected the standard of restoration, and in the name of their religion, and in obedience to their sacred oaths, proclaimed anew the most exalted and powerful prince the lord don John, prince regent of Portugal, our lawful sovereign. In this moment of glory, however, we were surrounded by dangers: a column of the French army was marching to this city; without arms, without troops of the line, and only with two hundred artillerymen and some militia, we were in extreme danger; but we had valour and genius equal to our situation. Those who endeavoured to liberate their country, have their eulogium in their own conduct. — Cannon and ammunition had been previously obtained, the necessary dispositions had been made for the defence of the bridge, and the passage of the river Douro: all the points of defence had been reconnoitred, as also all the entrances to the city. The execution of a plan was in contemplation among the Portuguese, and they had to conquer the illusions of some,

and the fear of others, and the more necessity there was for delay, the more the project was menaced with ruin. The signal for the acclamation was given and for arming; the orders were issued and executed with equal ardour in a moment; 30 artillerymen, with four field-pieces, which covered the van and rear of two bodies, of 10 men each, all that remained, prevented all opposition. The arsenals were opened, and the people took arms. Some corps of the militia were for a while irresolute, owing to the unexpected circumstances which had taken place, but these were soon determined; the royal standard was displayed, and the august name of his royal highness sounded from all quarters. All the officers whom they met joined them, and took the oath of honour, which excited enthusiasm and affection: the posts were distributed, and every one was at work; the Major Raymundo José Pinheiro, commander of the fort of St. Joan de Foz, at the mouth of the river, known for his fidelity, energy, and love for our prince, concerted the most able dispositions for defence, and for directing the people. The enthusiasm and energy cannot be described; upwards of 50,000 persons were provided with arms and ammunition; and from that night the city was in a state of defence, and waited the enemy with impatience, but he fled. — On the morning of the 19th, the protection of the Almighty being implored, and prayers of thanksgiving having been offered up with as much piety as fervour, in the cathedral of this city, a provisional government was elected, composed of the most excellent and reverend Don Antonio, of St. Joseph and Castro, bishop of the diocese, president, and eight members of the different classes, viz. of ecclesiastics, Doctor Dezembargador; provisor of the bishoprick, Manuel Lopes Loureiro; and the Doctor Dezembargador, vicar general; José Dias de Oliveira, of the military; major Ant. de Silva Pinto; and the captain commanding the artillery of the body of magistrature of the relacam, the dezembargador José de Mello Freire; judge for the crown and the dezembargador of Agravos, Luis de Sequeiro de Game Ayala; of the body of the citizens, Antonio Mathews Friere de Andrade, and Antonio Ribeiro Braga; in this junta the supreme authority is vested, until his royal highness shall order to the contrary, or the lawful government shall be restored in the capital; it is its duty to maintain the laws, usages, customs, and privileges of the nation, as far as they are consistent with the present circumstances and defence of the country. The most profound me-

dition could not produce a more judicious election, wisdom, dexterity, energy, disinterestedness; the most marked fidelity and most acknowledged patriotism, are the distinguishing qualities that compose the character of the most excellent and reverend president, and the respective members of the supreme council. The most efficient measures have been taken for the uninterrupted security within, and defence without. The love of our sovereign and country is expressed by every tongue. The general emotion amongst the inhabitants, the continual chiming of the bells, and a splendid illumination in every quarter of the city for three nights, all announced the satisfaction with which every heart overflowed. Contributions have been voluntarily offered—valiant young men flock to the royal standard from all parts—the secular and regular clergy present a fresh and glorious testimony of their religious and social virtues; they form the corps for the defence of the state, and the guard of the city is under the command of the illustrious dean. The best order and harmony prevails amongst the inhabitants of every description, energy and valour increase every instant; these virtues must have their effect on the common enemy; he well knows that general Loyson, after crossing the Douro, has been chased by the people of Guimaraens, Braga, and Tras os Montes, that he flies with precipitation, but cannot avoid the valorous Trans Montanos, who still follow him, making great havock in his disbanded division, killing his superior officers, and taking from him important spoils. We shall give a more circumstantial account of these successes; they strengthen us in our confident hopes that the empire of usurpation, perfidy, and seduction, will be annihilated, and that the better cause will have the better end, and that the restoration of our amiable prince will crown our wishes and bring back those days of felicity so violently interrupted.—Great are the presages of our prosperity, from the prompt re-establishment of public order, the absence of crimes, the moderation and peace that prevail among all. The government that directs us spares no pains to complete our happiness. A wise and vigilant magistrate presides in the police department, who punishes the wicked and protects the good subjects of his royal highness. It becomes us to observe a corresponding demeanour, by obeying, by confiding in our government, and by uniting amongst ourselves. Our objects are no less than the glorious re-establishment of our religion, and the restoration to the throne of our lawful sovereign.—It is

therefore necessary that the characteristic marks of these two enterprises should be kept as distinct as their ends are opposite—that as crimes rendered the French revolution abominable, so virtues shall signalize our restoration. That we may breathe nothing else but the love of our sovereign and our country, taking care not to pollute the glorious end we propose to ourselves, that of calling back to us our august sovereign.—On the 18th day of June last, the most excellent Bernardino Freire de Andrade arrived in this city, who had been nominated governor of the arms and of its district by the prince regent, and who had suspended this employment in consequence of the absence of our sovereign. He comes forth, however, as soon as his royal government is restored, and the defence of the state gives him an opportunity of displaying his fidelity, and of augmenting the glory of the royal service.

PORTUGAL.—London, 22d July, 1808.—

Extract of two Letters received by his Excellency the Portuguese Minister, from Mr. Patrick Farral, the Portuguese Agent at Gibraltar, June 30.

I have the honour to inform your excellency, that on the 16th of this month the whole kingdom of Algarva rose against the French proclaiming his royal highness the prince regent, our master, for their only true and legitimate sovereign: the French governor, and all those of that nation, holding public situations under him, were made prisoners. Many of the French were killed; the rest throwing down their arms, sought their safety in a shameful flight. A supreme junta is already established in Faro, the capital of that kingdom, in the name of his royal highness, which is composed of the following persons:—President—His Excellency the Count of CASTRO MARIM. Vice-President—His Excellency the Bishop of ALGARVA. For the Clergy—The Rev. the ARCH DEAN of the SEE, and Rev. ANTONIO LUIS DE MACEDO. For the Nobility—DEZEMBERGADOR JOSÉ DUARTE DA SILVA NEGRAO. JOSÉ BERNARDO DE GAMA, and JOAQUIM FELIPE DE LANDRESETE. For the People—MIGUEL de O. the younger, captain of the ordenancas, and JOAO ALEIXO. Secretary—Doctor VENTURA.

The Junta is occupied in preparing with the greatest activity the means of completing this heroic undertaking. An express has just arrived here from Tavira, from his Excellency the Count of CASTRO MARIM, requesting arms, &c. from the Governor of this place, who sent what arms, powder, and shot he could spare, having sent large quantities to Spain. Messengers have also

arrived here from Silves and Faro, making the same request, but which could not be complied with, the governor not having any to spare. The Portuguese officers who were here, waiting an opportunity to go to the Brazils, have returned, full of joy, to join their regiments in Algarva.

SPANISH REVOLUTION.—(Continued from p. 159.)—*Edict published in the Island of Majorca.*

Don Ferdinand VII. king of Spain and adjacent islands, &c. and in his royal name his excellency the Captain General of his army and kingdom, I make it known to the faithful and loyal inhabitants of this island, that last night I convened in my palace a meeting composed of all the constituted authorities, to lay before them the course which ought to be pursued under the existing circumstances, in which both my loyalty and the unanimous wish of the people require that we should continue to acknowledge Ferdinand VII. as our lawful sovereign; in consequence whereof, it was unanimously agreed upon, that these islands shall continue faithful to his majesty Ferdinand VII.; to which end, and that we may have the benefit of the full exercise of the rights of sovereignty in his name, as far as required, a board was appointed, which will begin this very evening to exercise the same, and publish what may be deemed conducive to the prosperity of this island. A *Te Deum* shall be sung, and then shall be a levee, royal salute, and illumination.—DON JUAN NIGUEL DE VIVES. By command of his excellency, and as secretary authorised by the board.—BARTOLOME JOSIAS. *Royal Castle of Palma, May 30, 1808.*

The supreme board has sent me the following letter:—Most Serene Sir,—Don Dionis Capaz, member of this board, and an ensign in the navy, accompanied by the Portuguese captain Don Sebastian Martinez, is going in the name of this board to inform your most serene highness of the occurrences which have lately taken place, and as they are thought important, it has been deemed requisite that he should give you a verbal account of the same, that you may take the resolutions, and send us the assistance which we stand in need of.—May God, &c. &c. THE MARQUIS-DE CAISIR. *Ayamonte, June 20, 1808.*

The purport of this verbal information is, that the French have been driven from the forts on the right banks of the Guadiana, opposite to Ayamonte. The inhabitants of the left, assisted by a few regu-

lars who were there, and a handful of armed Portuguese, have beaten the French by which they were garrisoned, and hoisted the Spanish flag in every one of them. The loss of the enemy amounts to 91 prisoners, and several killed.—The whole of the kingdom of Algarva is in a state of insurrection; Villa Real and Castromarin, as well as the batteries of Carnasquera and St. Anson have been taken possession of. The rebel Mallet has been handcuffed, and let down into a dry well with twenty-six other individuals: the remainder of the French troops have fled to the mountains. Taviro, Faro, and Aillon, are up in arms, and the military chests of the French have been seized: the Spanish troops above mentioned consisted of Catalonians, provincials, and a small number of Murcians.—A Portuguese captain is come to inform the board, that Algarva and the whole kingdom wish to be under its protection, in the name of Ferdinand VII.

Manifesto of the Junta at Seville, June 14, 1808.

The supreme council of government gives notice to the inhabitants of this city, and of all the districts under their command, that by several deserters who have arrived here from the French army, encamped in the environs of Cordova, intelligence has been received, that there are a great many among those troops who are desirous to come over to us, moved by the justice of our cause, but that they dare not do it from fear of being murdered in our roads and places, on account of the hatred, which, they suppose, is universally entertained against the French, and also against the Swiss, and other foreigners, who do not distinctly speak our language. The great mischief occasioned by rumours of this description ought the more to be obviated, as if we succeed to refute them, we shall not only increase our own forces, but also diminish those of the enemy, and compel them to surrender, as we shall then be thoroughly informed of the state, situation, and position which they take, and then be able to attack them with advantage, and out off their retreat. The supreme council accordingly ordains and directs, that the said deserters shall be received with the utmost kindness, and furnished with provisions and other necessities which they may stand in need of, directing them to be sent to the justices of the respective districts, and of our nearest military commanders, who will send them to this supreme council, or to the captain general of our army, should he be nearer, who will, in that case,

give them such destination as shall appear most expedient; it being well understood, that if from an indiscreet zeal, or other motive, this useful ordinance should not be complied with, the offenders shall be punished with the utmost severity, as all the people ought implicitly to rely on the vigilance of this supreme council, and on their great and gallant army. The supreme council further directs, that all Frenchmen, who reside among us, after they shall have taken the oath of allegiance, and obtained letters of safeguard, shall not be any ways molested, but shall, on the contrary, be left in tranquil possession of their property, commerce, and trade, a proceeding dictated both by equity and justice, and by a proper attention to the public cause; the justices of the different districts being nevertheless obliged to watch their conduct. And, in order that this manifesto may be universally known, it shall be posted in the usual places, and transmitted to all the justices of the different places, that they may be able to attend to the strict performance thereof. —Given in our royal palace of Alvasas, in Seville,—JUAN BAUTISTA PARDO, Sec.

General Palafox's Proclamation after the Battle of Saragossa, 17th June, 1808.

Conquerors of the haughty French!—Aragonese!—You have proved yourselves to be worthy of your name. That multitude of proud warriors, triumphant in every other part of Europe, ceased to retain the character of conquerors when they came before you. You are inferior both in discipline and numbers; because one-twentieth part of our forces have not entered into action, having been incapable of uniting. But your zeal has overcome every difficulty. The musketry in which your enemies place so much confidence, are weak instruments of their power when you appear before them: you look at them with courage, and they fall at your feet.—Aragonese! the result of our first attempt has been to leave on the field of battle 18,000 enemies, composing a complete army, which had the audacity to provoke our resentment. We have had the good fortune to get possession of all the property and baggage, of which the people have been infamously plundered, in the countries through which this army passed. Our loss consists only from 1700 to 2000 killed, and an equal number wounded: a loss bearing no comparison to the triumph we have obtained. Their precious blood is shed in the field of glory, on their own territory; and these blessed martyrs demand new victims; let us prepare for the sacrifice.—Aragonese! be not impatient. The ene-

my against whom we fight is rash, and will afford frequent opportunities for you to exercise your skill and your courage. If, especially, the lawless bands which violate our city of Madrid, and their commander Murat, should venture to approach us, we should receive the intelligence with the highest satisfaction; we would anticipate their expectations, and meet them half way.—Aragonese! if the battle of Saragossa had been gained by these intruders, we should have heard their babbling of the victories of Marengo, Austerlitz, and Jena, acquired by the same valour. Although the conquest we have effected has been sanguinary, yet it has been glorious. Do you consider it as a trifling commencement of your future triumphs, under the powerful assistance of your illustrious leader and patron?

Proclamation of King Joseph Napoleon; Bayonne, 20th June, 1808.

JOSEPH, KING OF NAPLES AND SICILY,
TO THE PEOPLE OF THE KINGDOM OF
NAPLES:

Providence, whose designs are inscrutable, having called us to the throne of Spain and the Indies, we have found ourselves in the cruel predicament of withdrawing ourselves from a people who had so many claims to our attachment, and whose happiness was our most gratifying hope, and the only object of our ambition. He who alone can read the hearts of men, can judge of the sincerity of our sentiments, in opposition to which we have yielded to their impressions, and accepted a kingdom, the government of which has been put into our hands, in virtue of the renunciation of the rights to the crown of Spain, which our illustrious brother, his majesty the emperor of the French and king of Italy, had acquired.—In this important situation, considering that institutions are alone capable of duration, we reflected with regret, that your social constitution was still imperfect, and thought that the further we had removed from you, so much the more incumbent upon us was it to secure your present and future welfare by all the means in our power. For these reasons we have put the last hand to our labours, and fixed the constitutional statute upon principles already partially adopted, and which are more conformable to the age in which we live, the mutual relations of the neighbouring states, and the disposition of the nation, which we have employed ourselves to ascertain ever since we were called to rule over it.—The principal objects which guided us in our labours, were:—1. The preservation of our holy religion.—2. The establishment of a public treasury, &c.

[189]

separate and distinct from the hereditary property of the crown.—3. The establishment of an intermediate administration, and a national parliament, capable of enlightening the prince, and of performing important services both to him and the nation.—4. A judicial organization, which shall render the decisions of the court of justice independent on the will of the prince, and make all the citizens equal in the eye of the law.—5. A municipal administration, which shall be the property of no man, but to which all, without distinction, shall be admissible.—6. The maintenance of the regulations which we have made for securing the payments to the creditors of the state.—His majesty the emperor of the French and king of Italy, our illustrious brother, having been pleased to confer upon this act his powerful guarantee, we are assured, that our hopes with regard to the prosperity of our beloved people of the kingdom of Naples, thus reposing upon his widespread glory, shall not experience disappointment.

Constitutional Statute of the Kingdom of Naples and Sicily.

Joseph Napoleon, king of Naples and Sicily, French prince, grand elector of the empire, willing to confirm, by a constitutional statute those fundamental principles, by which the monarch is to be governed, has decreed, and does decree the following:—

I. OF RELIGION—The Catholic, Apostolic, and Romish religion is the religion of the state.—II. OF THE CROWN—The crown of Naples shall be hereditary, in the right of male issue, according to the primogeniture of birth.—III. OF THE REGENCY—1. The king is a minor till he attains the age of 18 years.—2. In case of the prince's minority, the regency will, by right, devolve upon the queen; and in her absence, to a prince of the blood royal, who shall be chosen by the emperor of the French, in his capacity as head of the imperial family; and in failure thereof of a prince of the blood, the choice will devolve upon the nation.—3. The yearly salary of the regency is confined to a fourth of the grant to the crown.—4. The education of the minor king is entrusted to his mother, and in her absence, to the prince nominated by the predecessor of the minor.—The remaining articles relate to the officers of the crown, the ministers, the council of state, &c. The article respecting the parliament confines the number of members to one hundred, who are to be divided into five classes, viz. the ecclesiastics, the nobles, the holders of landed property, the learned, and the merchants.

Order of the Junta of Badajos, 21st June, 1808.

A respectable person of this city received a letter yesterday by the post, written by a priest to his brother, to the following effect:—It is notorious that Murat, apprized that in various places they opened the mails, and killed those persons who favour the French interest, has adopted the infamous plan of writing to the magistrates elected by the people, a letter to the following purport:—*Sir, I observe what you write me, and on such a day will arrive in your neighbourhood, with the number of French troops you desire, in order to restrain the revolutionists.*—Such are the contents; and the object is, manifestly, that when the letters are opened, treason may be attributed to the new commanders, and thus their death may be occasioned, and the army of the patriots be left without leaders.—This expedient, which has been detected, gives some idea of the precaution necessary to avoid the consequence of the perfidy of Murat and his agents, who are endeavouring to spread discord and confusion among the people in every possible direction. If union and good order be not preserved, we shall never accomplish the purpose we have in view, which is to defend our religion, our country, and our beloved sovereign Ferdinand VII. Be valiant and loyal; respect the magistrates and constituted authorities; forget private resentments, and all will be attained.

Proclamation at Badajos, 27th June, 1808.

It appears that the divine blessing again attends us and the generalissimo. Our Lady of Pilar has given us a new proof of her favour and protection. After the French had fallen in the battles of Tudella, Mallen, Gaul, and Arragon, in which places they appeared to the number of five or six thousand, an army of 12,000 French had orders to enter Saragossa on the day of Corpus Christi, and the command was, that the town should be penetrated although only one soldier remained to descend from the ramparts. By the miraculous interference of the Holy Virgin, a battle was fought by the patriots against these troops, at the distance of only a gun-shot from Saragossa. All the French were put to the sword, not a single man remained to tell the dismal narrative to his countrymen. The Arragonese fought like furies, and as they approached the enemy, they threw away their muskets and rushed upon the plain regardless of life. Four hundred horses which remained, and 27 baggage waggons, were taken after this victory. Our loss, it is supposed, has been great, but without considerable sacrifices no such triumphs can be acquired; conquest however will amply repay us the loss we sustain.—This is communicated to the public for its

satisfaction, by order of the junta. ANTONIO BERGER, Sec.

Extraordinary Gazette of Saragossa of the 3d July, 1808.

The day before yesterday, the 1st instant, about midnight, the French army encamped in the environs of this capital, began to bombard the town, and continued the bombardment until the evening of the following day: during which time, upwards of one thousand four hundred bombs and shells, were thrown into the place. The French cavalry and infantry attacked some of the gates; but the heroic valour of the inhabitants and troops of the line succeeded in destroying, by a well directed fire, which was kept up with uncommon briskness, all who came within the range of their guns. The neighbouring fields were strewn with the dead bodies of the French. The patriots bravely maintained their post, amidst the numberless bombs and shells which struck their batteries.—In the afternoon of the 1st instant the attack was continued by the French artillery and foot, but they were also routed with a very considerable loss.—On the 2d inst. at break of day, the attack was renewed at all points, and after having sustained a severe loss, and convinced themselves of the persevering valour of the defenders of this capital, the French troops retreated, after a fire, which lasted twelve hours, without intermission, and proved extremely destructive to their ranks. The enemy's bombs, shells, and balls, without doing any considerable mischief, merely served to increase the hatred entertained against the enemy, and to remind us of the sacred duties which we owe to our religion, our country, our honour, and our king.—The gallantry displayed by the officers and soldiers, and in particular by the artillerymen, and the officers and troops, who were stationed in the batteries and points attacked, is beyond all praise. His excellency the governor and captain general, in order to shew how much he feels concerned in rewarding distinguished intrepidity and courage, has directed the different commanders to send in a list of the officers and soldiers of the regular troops, and the mass who have particularly distinguished themselves in order to bestow on them, in his majesty's name, those marks of distinction which their eminent services deserve, and transmit to posterity the names of those worthy defenders of their country. In expectation of these particular and correct returns, he has been pleased for the present to promote colo-

nel Don Antonio Torres to the rank of brigadier general, and appointed lieutenant colonel Don Marco de Pont of the volunteers of Saragossa, and Don Domingo Laripea of the volunteers of Extremadura, who defended the gates of Postillo and Carmen, colonels in the army; captain Don Salvador Cesta, major of the corps of artillery; and Don Geronimo Pinerio, and Don F. Bosete, ensigns of the same corps, lieutenants. The two latter arrived in the morning from Barcelona, and without taking the least repose, immediately assumed the command of the batteries of Portillo and Carmen, where they covered themselves with glory. A great number of arms have fallen into our hands, and in the possession of the French, slain in the action, many precious articles were found, of which they had robbed the churches and private houses: we have taken a great number of prisoners of war.—In the town of Exea twenty-five of the enemy's cavalry and foot were made prisoners, and brought to this capital.—By an express which left Valencia on the 30th of June, the pleasing intelligence had been officially received, that the French army, commanded by general Moncey, having approached the said capital on the 28th ultimo, the batteries opened upon them, and kept up for seven hours with such unremitting briskness, that the French were defeated with immense slaughter, and the neighbouring fields were covered with their dead. The remains of their army retreated in the utmost disorder, exhausted with fatigue, and destitute of provisions, with a vast number of wounded, on the road to Madrid, where the main body of the army of Valencia awaits them to cut off the retreat of the few who remain, and put them to the sword, in return for the acts of violence against this capital.

Appointments of his Catholic Majesty Joseph Napoleon, at Bayonne, 4th July, 1808.

Ministers.—Their excellencies Don Louis Mariano de Urquiso, secretary of state; Don Pedro Cevallos, minister for foreign affairs; Don Michael Joseph de Azanza, minister for the Indies; admiral Don Joseph Massaredo, minister of the marine; general Don Gonzalo O'Farril, minister of war; Don Gaspar Melchor de Juvellanos, minister of the interior; Count Cabarrus, minister of finance; and Sebastian Pinuela, minister of justice.

Captains of the body guards.—Their excellencies duke del Parque, grandee of Spain; duke de St. Germain, grandee of Spain.

(To be continued.)